

REMARKS

Claims 17-26, 28-34 and 36-51 are now pending in the application. In view of the 37 C.F.R. §1.131 declarations submitted herewith, the Examiner is respectfully requested to reconsider and withdraw the rejections.

DECLARATION UNDER 37 C.F.R. § 1.131

On November 30, 2006, a 37 C.F.R. §1.131 declaration was submitted by one of the co-inventors of the present application, Gregory P. Meisner, attesting that the date of conception and the date of reduction to practice of the presently claimed invention occurred prior to November 21, 2002. However, in the Final Office Action dated February 2, 2007, the Examiner indicated that executed 37 C.F.R. §1.131 declarations would be required by all of the co-inventors of the claimed invention to establish the date of conception and reduction to practice of the presently claimed invention.

Applicants' representatives appreciated the opportunity to confer with the Examiner on April 2, 2007, when the presently submitted declarations were discussed. At that time, the Examiner indicated that these additional declarations would be considered after-final. In view of these discussions, Applicants hereby submit executed declarations (enclosed) of Frederick E. Pinkerton, Martin S. Meyer, Michael P. Balogh, and Matthew D. Kundrat in accordance with 37 C.F.R. §1.131 and §1.68 attesting that the date of conception and the date of reduction to practice of the presently claimed invention occurred prior to November 21, 2002.

These declarations are being submitted with the purpose of overcoming the rejections contained in the Final Office Action, namely the reference by Chen et al.

“Interaction of Hydrogen with Metal Nitrides and Imides: Letters to Nature,” Nature, Vol. 420, pp. 302-304 (Nov. 21, 2002) (hereinafter the “Chen” reference). Applicants submit that this declaration establishes that the inventive activities, specifically conception of the invention and reduction to practice, occurred prior to the publication date (*i.e.*, November 21, 2002). Thus, the Chen reference and is not available as prior art to the present application.

REJECTION UNDER 35 U.S.C. §§ 102 AND 103

Claims 17-26, 28-34 and 36-51 stand rejected under 35 U.S.C. § 102(a) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Chen et al. (the Nature article) (hereinafter “Chen”). This rejection is respectfully traversed.

As noted above, §1.131 Declarations submitted by Inventor Gregory P. Meisner (on November 30, 2006) and Inventors Frederick E. Pinkerton, Martin S. Meyer, Michael P. Balogh and Matthew D. Kundrat (enclosed) establish that the inventive activities related to Claims 17-26, 28-34, and 36-51 of the present invention occurred prior to November 21, 2002, the publication date of the Chen reference. The conception and reduction to practice of the present invention pre-date the publication/effective date of the Chen reference pursuant to §102(a) and/or §103(a). As such, Applicants submit that Chen is not prior art to the invention as claimed in the present application and that none of Claims 17-26, 28-34, and 36-51 can be anticipated or rendered obvious over the Chen reference. Applicants respectfully request reconsideration of the claims and withdrawal of the rejections.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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